IN THE HIGH COURT OF HIMACHAL PRADESH AT SHIMLA

CWP No. 825 of 2004.

Date of Decision: 29th December, 2006.

Aditya Mahindroo .. Petitioner.

Versus

Union of India and others. .. Respondents.

Coram

The Hon'ble Mr. Justice Deepak Gupta, Judge.

The Hon'ble Mr. Justice Surinder Singh, Judge.

Whether approved for reporting?[1]

For the petitioner: Mr. G.D. Verma, Senior Advocate with Mr. B.C. Verma, Advocate.

For the respondents: Mr. Ashwani Pathak, Central Government Counsel.

Deepak Gupta, J. (Oral)

The only dispute in this petition is whether the petitioner in respect of his examination is governed by Rules of 1998 or by fresh Rules of 2001. The undisputed facts are that the petitioner was admitted to the Three Year Diploma Course in Hotel Management in July, 2000. It is not in dispute that at that time i.e. in the year 2000 the Rules of 1998 were applicable and these Rules did not provide for internal assessment. The petitioner appeared for the second year examination in the year 2002. He was declared fail but detailed marks sheet was not supplied. Thereafter the petitioner filed Civil Writ Petition being CWP No.705 of 2003 in this Court. During the pendency of the petition the consolidated detailed marks sheet was supplied and the

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[1] Whether the reporters of Local Papers may be allowed to see the judgment?

petition was dismissed as having become infructuous on 29th June, 2004.

The contention raised on behalf of the petitioner that he is governed by the Rules of 1998 and the Rules of 2001 do not apply to him as he was admitted in the year 2000, is totally devoid of any merit. The examinations were conducted in the year 2002 after the fresh Rules were promulgated. The petitioner appeared in those examinations without any protest. After he failed in those examinations he cannot be permitted to raise the dispute that the Rules of 2001 are not applicable.

In view of above discussion, the writ petition is dismissed.

In case the petitioner has not been granted admission in third year course and has not attended the third year course, respondent No.3 is directed to refund the admission fee for the third year, paid by the petitioner.

CMPs No.1571 of 2004 and 2013 of 2005.

In view of the dismissal of the writ petition these applications do not survive and the same are dismissed.

(Deepak Gupta),
Judge.

December 29, 2006.
(rc)

(Surinder Singh),
Judge.